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RANCHI, FRIDAY, 13th MAY, 2022

HIGH COURT OF JHARKHAND, RANCHI

NOTIFICATION

13th May, 2022

No.07/2022/R&S--In exercise of the powers conferred by Article 227(2) (b) of the Constitution of India as well as in light of the order dated 20.04.2021 of Hon'ble the Supreme Court of India in the matter of *Suo Motto Writ (Criminal)* 01 of 2017, the High Court of Jharkhand, Ranchi is pleased to make the following amendments in the "Criminal Court Rules of the High Court of Jharkhand" :-

The following Rules be added to the existing rules as rule 18 A, 18B, 18C, 18D, 27A, 45A, 45B, 45C, 53A, 53B, 53C, 53D, 53E, 53F and 103A:-

Rule 18A- Every Accused shall be supplied with statements of witness recorded under Sections 161 and 164 Cr. PC. and a list of documents, material objects and exhibits seized during investigation and relied upon by the Investigating Officer (I.O.) in accordance with Sections 207 and 208 Cr. PC. before commencement of trial.

Rule 18B: The charge shall be framed by the Presiding Officer after complete and total application of mind and the same shall be accompanied by a formal charge in Form 32, Schedule II, Cr. P.C.

Rule 18C: (i) The application for bail in non-bailable cases must ordinarily be disposed of within a period of 3 to 7 days from the date of first hearing. If the application is not disposed of within such period, the Presiding Officer shall furnish reasons thereof in the order itself. Copy of the order and the reply to the bail application or status report (by the police or prosecution) if any, shall be furnished to the accused or to the counsel of the accused on the date of pronouncement of the order itself if either the accused or the counsel is present in the Court.

(ii) The Presiding Officer may, in an appropriate case in its discretion insist on a statement to be filed by the prosecutor in charge of the case.

Rule 18D: (i) In every enquiry or trial, the proceedings shall be held as expeditiously as possible, and, in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded (section 309 (1) Cr.PC.). For this purpose, at the commencement, and immediately after framing charge, the court shall hold a scheduling hearing, to ascertain and fix consecutive dates for recording of evidence, regard being had to whether the witnesses are material, or eyewitnesses, or formal witnesses or are experts. The court then shall draw up a schedule indicating the consecutive dates, when witness would be examined; it is open to schedule recording of a set of witness' depositions on one date, and on the next date, other sets, and so on. The court shall also, before commencement of trial, ascertain if the parties wish to carry out admission of any document under section 294, and permit them to do so, after which such consecutive dates for trial shall be fixed.

(ii) After the commencement of the trial, if the court finds it necessary or advisable to postpone the commencement of , or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded postpone or adjourn the same on such term as it thinks fit, for such time as it considers reasonable. If witnesses are in attendance no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded, in writing (Section 309 (2) Cr. PC).

(iii) Sessions cases may be given precedence over all other work and no other work should be taken up on sessions days until the sessions work for the day is completed. A Sessions case once posted should not be postponed unless that is unavoidable, and once the trial has begun, it should proceed continuously from day to day till it is completed. If for

any reason, a case has to be adjourned or postponed, intimation should be given forthwith to both sides and immediate steps be taken to stop the witnesses and secure their presence on the adjourned date.

Rule 27 A: The Presiding Officers shall ensure that only admissible portion of Section 8 or Section 27 of Indian Evidence Act, 1872 is marked and such portion alone is extracted on a separate sheet and marked and given an exhibit number.

Rule 45 A: (i) The deposition of witnesses shall be recorded, in printed typed format, if facilities for the same is available with the Court. The recording of evidence shall be prepared on computers, if available, in the Court on the dictation of the Presiding Officer.

Provided that in case the language of deposition is to be recorded in a language other than English or the language of the State, the Presiding Officer shall simultaneously translate the deposition either himself or through a competent translator into English.

(ii) The deposition shall be recorded in the language of the witness and in English when translated as provided in Clause (i).

(iii) The depositions shall without exception be read over by the Presiding Officer in Court. Hard copy of the testimony so recorded duly signed to be a true copy by the Presiding Officer/Bench Clerk shall be made available free of cost against receipt to the accused or an advocate representing the accused, to the witness and the prosecutor on the date of recording.

(iv) The Presiding Officers shall not record evidence in more than one case at the same time.

Rule 45B: (i) The deposition of each witness shall be recorded dividing it into separate paragraphs assigning paragraphs numbers.

(ii) Prosecution witness shall be numbered as PW-1, PW-2, etc. in seriatim. Similarly defence witnesses shall be numbered as DW-1, DW-2, etc. in seriatim. The Court witness shall be numbered as CW-1, CW-2, etc. in seriatim.

(iii) The record of depositions shall indicate the date of the chief examination, the cross examination and re-examination.

(iv) The Presiding Officers shall wherever necessary record the deposition in question and answer format.

(v) Objections by either the prosecution or the defence counsel shall be taken note of and reflected in the evidence and decided immediately, in accordance with law, or, at the discretion of the learned Judge, at the end of the deposition of the witness in question.

(vi) The name and number of the witness shall be clearly stated on any subsequent date, if the evidence is not concluded on the date on which it begins.

Rule 45C: (i) During cross examination, the relevant portion of the statements recorded under Section 161 Cr.PC used for contradicting the respective witness shall be extracted. If it is not possible to extract the relevant part as aforesaid, the Presiding Officer, in his discretion, shall indicate specifically the opening and closing words of such relevant portion, while recording the deposition, through distinct marking.

(ii) In such cases, where the relevant portion is not extracted, the portions only shall be distinctly marked as prosecution or defence exhibit as the case may be, so that other inadmissible portions of the evidence are not part of the record.

(iii) In cases, where the relevant portion is not extracted, the admissible portion shall be distinctly marked as prosecution or defence exhibit as the case may be.

(iv) The aforesaid rule applicable to recording of the statements under Section 161 shall mutatis mutandis apply to statements recorded under Section 164 of the Cr.PC, whenever such portions of prior statements of living persons are used for contradiction/corroboation.

(v) Omnibus marking of the entire statement under Section 161 and 164 Cr.PC shall not be done.

Rule 53 A : Every Judgment shall contain the following-

- (i) Start with a preface showing the names of parties as per **Annexure-I**.
- (ii) A tabular statement as per **Annexure-II**.
- (iii) An appendix giving the list of prosecution witnesses, defence witnesses, Court witnesses, Prosecution Exhibits, Defence Exhibits and Court Exhibits and Material Objects as per **Annexure-III**.

Rule 53 B: In compliance with section 354 and 355 Cr. PC, in all cases, the judgments shall contain-

- (i) The point or points for determination,
- (ii) The decision thereon, and
- (iii) The reasons for the decision.

Rule 53 C: In case of conviction, the judgment shall separately indicate the offence involved and the sentence awarded. In case there are multiple accused, each of them shall be dealt with separately. In case of acquittal and if the accused is in confinement, a direction shall be given to set the accused at liberty, unless such accused is custody in any other case.

Rule 53 D: In the Judgment the accused, witnesses, exhibits and material objects shall be referred to by their nomenclature or number and not only by their names or otherwise. Wherever, there is a need to refer to the accused or witnesses by their name, the number shall be indicated within brackets.

Rule 53 E: The Judgment shall be written in paragraphs and each paragraphs shall be numbered in *seriatim*. The Presiding Officers, may, in their discretion, organize the judgment into different sections.

Rule 53 F: - Annexure-I, Annexure-II & Annexure-III

Rule 103 A : (i) After framing of charges, the accused shall be referred to only by their ranks in the array of accused in the charge such as A-1, A-2, etc. and not by their names or other references except at the stage of identification by the witness.

(ii) After recording the deposition of witnesses, marking of the exhibits and material objects, while recording deposition of other witnesses, the witnesses, exhibits and material objects shall be referred by their numbers and not by names or other references.

(iii) Where witness cited in the complaint or police report are not examined, they shall be referred to by their names and the numbers allotted to them in the complaint or police report/ Final form.

Further, Rule 102 & Rule 109 of the Criminal Court Rules of the High Court of Jharkhand be substituted with the following rules respectively :-

Rule 102: (i) Prosecution exhibits shall be marked as Exhibit P-1, P-2, etc. in *seriatim*. Similarly, defence Exhibits shall be marked as Exhibit D-1, D-2, etc in *seriatim*. The Court exhibit shall be marked as Exhibit C-1, C-2, etc in *seriatim*.

(ii) To easily locate the witness through whom the document was first introduced in evidence, the exhibit number shall further show the witness number of such witness after the Exhibit number. If an exhibit is marked without proper proof, the same shall be indicated by showing in brackets (subject to proof).

Explanation: If Prosecution witness no. 1 (PW1) introduces a document in evidence, that document shall be marked as Exhibit P-1/PW1. If proper proof is not offered for that

document at the time when it is marked, it shall be marked as Exhibit P-1/PW1 (subject to proof). The second document introduced by PW1 will be Exhibit P-2/PW1.

Rule 109 The material objects shall be marked in seriatim as MO-1, MO-2, etc.

Further, Notes to Rule 47 and Note 1 & 2 to Rule 53 of the Criminal Court Rules of the High Court of Jharkhand be deleted.

Annexure-I

In the Court of

Present:.....

[Sessions Judge/Special Judge/ Judicial Magistrate]

(Only the Specific designation in exercise of which the judgment is delivered is only be mentioned and under no circumstances more than one designation is to be mentioned)

[Date of Judgment]

District:

[Case No./Year]**(Details of FIR/Crime and Police Station)**

Complainant	State of OR Name of the Complainant
Represented By	Name of the Advocate
Accused	1. Name with all Particulars such as age, father's Name, Sex, Complete Residential and Permanent Address (A1) 2. Name with all Particulars such as age, father's Name, Sex, Complete Residential and Permanent Address (A2)
Represented BY	Name of the Advocate

Annexure-II

Date(s) of Offence	
Date of FIR	
Date(s) of Chargesheet	
Date(s) of Framing Charges In case charge is framed or altered in more than one day than specifically it is to be mentioned on which date charge is framed against which accused	
Date of Commencement of evidence	
Date on Judgment is reserved	
Date of the Judgment	
Date of Sentencing Order, if any	

Accused Details:

Rank of the Accused	Name of the Accused	Date of Arrest	Date(s) of Released on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Udergone during Trial for purpose of Section 428, Cr.PC.

Annexure-IIIList of Prosecution/Defence/Court WitnessesA. Prosecution

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
PW1		
PW2		

B. Defence Witness, if any :

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
DW1		
DW2		

C. Court Witness, if any:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
CW1		
CW2		

List of Prosecution/Defence/Court Exhibits**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW1	
2	Exhibit P-2/PW2	

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW1	
2	Exhibit D-2/DW2	

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW1	
2	Exhibit C-2/CW2	

D. Material Objects

Sr. No.	Material Object Number	Description
1	MO1	
2	MO2	

Aforesaid amendments shall take effect from the date of its publication in the e-Gazette.

By order of the Court,

Mohammad Shakir,
Registrar General
